

# **REMARKS**

The Office Action has been reviewed and the Examiner's comments carefully considered. Claims 28-30 and 34 are amended. Claims 43-44 are added. No claims are canceled. Thus, claims 23-44 are pending in this application.

## **Rejection of claims 28-33 based on Bauer and Fujimura**

Claims 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,082,310 ("Bauer") in view of JP 09-183375 ("Fujimura"). The rejection should be withdrawn because no combination of Bauer and Fujimura discloses, teaches, or suggests the claimed invention.

For example, claim 28 (as amended) recites, among other things, an air bag covering device comprising: a cover cap with tear-open edges; and a decorative element fastened to the cover cap and covers at least one tear-open edge. The decorative element comprises predetermined breaking points at locations where the decorative element covers the at least one tear-open edge. Perforations are provided as the predetermined breaking points. The perforations extend from a rear side of the decorative element contacting the cover cap to just below a top side of the decorative element. Bauer does not teach or suggest perforations provided as the predetermined breaking points, as correctly pointed out in paragraph 2 of the Office Action. Fujimura does not cure the deficiencies of Bauer because the slits 51 of Fujimura (which is considered to be the perforations of claim 28, according to paragraph 2 of the Office Action) extend through the material 50 of Fujimura, and do not extend from a rear side of the material 50 to just below a top side of material 50. (Figs. 3-6 of Fujimura.) Therefore, even if the slits of 51 of Fujimura were used in the device of Bauer, these slits would extend through the material, and not extend from a rear side to just below a top side. Accordingly, no combination of Bauer and Fujimura teaches or suggests all the features of claim 28.

Claims 29-33 depend from allowed claim 23, and are allowable by virtue of their dependency, without regard to the further patentable limitations contained therein.

Reconsideration and withdrawal of the rejection based on Bauer and Fujimura are respectfully requested.

Rejection of claims 34-35 based on Bauer and Preisler

Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer in view of U.S. Patent Application Publication 2003/0020263 ("Preisler"). The rejection should be withdrawn because no combination of Bauer and Preisler discloses, teaches, or suggests the claimed invention.

For example, claim 34 (as amended) recites, among other things, an air bag covering device comprising: a cover cap with tear-open edges; and a decorative element fastened to the cover cap and covers at least one tear-open edge. The decorative element comprises predetermined breaking points at locations where the decorative element covers the at least one tear-open edge. The decorative element comprises a softer carrier material and a harder covering layer. The softer carrier material is disposed between the harder covering layer and the cover cap such that the softer carrier material abuts the cover cap. Bauer does not teach or suggest the softer carrier material and the harder covering material, as correctly pointed out in paragraph 3 of the Office Action. Preisler does not cure the deficiencies of Bauer because the relatively soft outer layer is exposed toward the driver and would not be disposed on the underside of the harder inner layer. (Paragraphs 0036-0038 and 0054 of Preisler.) Therefore, even if the cover of Preisler were used in the device of Bauer, the softer outer layer would be exposed to the driver, and not be disposed between the harder covering layer and the cover cap such that the softer carrier material abuts the cover cap. Accordingly, no combination of Bauer and Preisler teaches or suggests all the features of claim 34.

Claim 35 depends from and contains all the features of claim 34, and is allowable for the reasons indicated above, without regard to the further patentable limitations contained therein.

Reconsideration and withdrawal of the rejection based on Bauer and Preisler are respectfully requested.

Allowability of claims 43-44

Claims 43-44 depend from allowed claim 23, and are allowable by virtue of their dependency, without regard to the further patentable limitations contained therein. Allowance of claims 43-44 is respectfully requested.

Conclusion

It is believed that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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